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RHMFISS/CDR USSOUTHCOM MIAMI FL  
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RHMFISS/JOINT STAFF WASHINGTON DC  
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RUEKJCS/SECDEF WASHDC

C O N F I D E N T I A L PANAMA 000417

SIPDIS

E.O. 12958: DECL: 05/20/2019  
TAGS: [PGOV](#) [PREL](#) [PM](#)  
SUBJECT: PANAMA: GOP SAYS USCG DID NOT FOLLOW SALAS-BECKER  
PROTOCOL

Classified By: DCM David R. Gilmour for reasons 1.4 (b) and (d)

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Summary, Action Request and Comment  
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¶1. (C) The GOP protested in a diplomatic note from the MFA on May 20, 2009 that the U.S. Coast Guard did not follow agreed upon procedures during the search of Panamanian flagged vessel, M/V Pollux A on April 27. Specifically, the note protested that the USCG did not share information with the National Aero-Naval Service (SENAN) as laid out in the draft Standard Operating Procedures for implementing the Salas-Becker maritime cooperation agreement, negotiated with the GOP in December 2008. Post understands that the crew aboard the USCG cutter Decisive stopped communicating with the SENAN believing that they should not interfere with the dipnote process for securing jurisdiction over the ship. The specific complaint in the note is that because USCG stopped communicating with SENAN, SENAN was not able to give the MFA the information they needed to decide on the request to decline jurisdiction. While this case was eventually resolved satisfactorily, the dipnote highlights the sensitivity of the GOP on these matters, and the necessity to follow the letter and spirit of the Salas-Becker maritime cooperation agreement, a vital linchpin in U.S.-Panamanian counter-narcotics cooperation.

¶2. (C) Action Request: Post requests guidance for response.

¶3. (C) Comment: As this tactical-level incident illustrates, misunderstandings have the potential to generate political-level concerns that could quickly create problems for our strategic counter-narcotics cooperation with Panama. Post will continue to press the GOP to finalize the standard operating procedures and urges that these SOPs be extensively briefed, including to the tactical level.

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Unofficial Translation of Dipnote  
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¶4. (U) BEGIN UNOFFICIAL TRANSLATIONS:

UNOFFICIAL TRANSLATION

REPUBLIC OF PANAMA

Ministry of Foreign Relations

The Ministry of Foreign Relations of the Republic of Panama, Directorate General of Legal Affairs and Treaties, presents its compliments to the Embassy of the United States of America and refers to the enforcement of the Salas-Becker Agreement.

The Ministry of Foreign Relations of the Republic of Panama, Directorate General of Legal Affairs and Treaties, informs the Embassy of the United States of America that (on) April 30, 2009, the National Aero-Naval Service of Panama (SENAN) sent a detailed report (to the Ministry of Foreign Relations) on the events that took place surrounding the detention in international waters of Panamanian-flagged vessel POLLUX A. The report highlights the fact that the Panamanian authority requested on several occasions from District 7th of the U.S. Coast Guard information about the results of the inspection that began on April 26 and that it wasn't until after four (4) days later, on April 30, 2009, that the SENAN received the confirmation of the existence of illicit merchandise (in the vessel).

In this regard, the Ministry of Foreign Relations of the Republic of Panama Directorate General of Legal Affairs and Treaties, wishes to inform the Embassy of the United States of America that the confirmation by way of SENAN about the existence of illicit merchandise (in the vessel) was only provided upon reiterated requests by SENAN to District 7th of the U.S. Coast Guard, and upon this Ministry's insistence that SENAN keep requesting it as (the government) was in the process of studying the request for a waiver of jurisdiction requested by the Embassy through Diplomatic Note No. 701 of April 29, 2009.

In regards to the above, the Ministry of Foreign Relations of the Republic of Panama, Directorate General of Legal Affairs and Treaties, transmits to the Embassy of the United States of America its concerns about the procedure followed in this occasion, since it was not in line with what is state in Article XIV (of the Salas-Becker Agreement), which calls for both parties to have the most ample and full communication during each operation. At the same time, it is (also not in line with) the principle of the agreement reached between both governments during the meetings held in Panama City in December 2008.

The Ministry of Foreign Relations of the Republic of Panama, Directorate General of Legal Affairs and Treaties, reiterates to the Embassy of the United States of America the importance for the Government of Panama of the enforcement of the Salas-Becker Agreement based on the Manual of Procedures that is under analysis by both nations in order to avoid major inconveniences during the processing of these requests.

The Ministry of Foreign Relations of the Republic of Panama, Directorate General of Legal Affairs and Treaties, avails itself of this opportunity to reiterate to the Embassy of the United States of America, the assurances of its highest consideration.

Panama, May 8, 2009

To The Honorable  
Embassy of the United States of America,  
Panama, Republic of Panama

OAE/oea

END UNOFFICIAL TRANSLATION

